IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Smt. Swati. Versus State of Rajasthan & Anr.

S.B. Criminal Misc. Petition No. 885/2006
for quashing the FIR No.127/2006, Police Station, Deogarh, district Rajsamand.

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Date of Order: September 15, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Chaitanya Gahlot, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.
Mr. Sandeep Mehta, for the non-petitioner No.2.

BY THE COURT:

Heard learned counsel for the parties.

By the instant criminal miscellaneous petition under Section 482 Cr.P.C., the petitioner seeks quashing of FIR No.127/2006, Police Station, Deogarh, district Rajsamand for the offence under Section 420 IPC.

It is contended by the learned counsel for the petitioner that from the perusal of the FIR, there reveals no ingredients of the offence under Section 420 IPC. Learned counsel submits that the petitioner married to the non-petitioner No.2 and it is the complainant/non-petitioner who failed to fulfill the obligations. It was further contended that no such amount

was given to the petitioner as alleged in the complaint.

Learned Public Prosecutor submits that after investigation, the police came to the conclusion that prima facie the offences under Sections 420, 406 and 120-B, IPC are made out against the petitioner and the other co-accused and the police has decided to file Challan against them.

I have carefully gone through the police investigation diary. From the investigation diary, it appears that there is a cassette in which the voice of the petitioner has been record with some other person with reference to the marriage and the said cassette has been recovered by the police. Keeping in view the serious allegations against the petition, in my view, it is not a fit case to quash the FIR at the initial stage.

The criminal miscellaneous petition is, therefore, dismissed.

(H.R. PANWAR), J.

mcs